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August 21, 2012

Hon. Kathleen S. Hayden
United States District Court Judge
District of New Jersey
Martin Luther King Building and U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

Dear Judge Hayden:

I write on behalf of Anselmo ("Sam") Genovese to respectfully request that the Court endorse the enclosed Proposed Order, authorizing Genovese to enter the yard of his house at specified times when his children are present.

As the Court is aware, on July 11, 2012, Genovese was sentenced to a term of probation with a condition of eight months of home confinement with electronic monitoring. (See Judgment, dated July 11, 2012, Docket Entry No. 31). During the sentencing proceeding defense counsel addressed Mr. Genovese's request that he be permitted to use his yard during the period of confinement when either of his children, of whom he has joint custody, were in his care.¹ At that time, the Court suggested that the issue be raised once the Probation Department had installed monitoring equipment in Genovese's house.

On August 14, 2012, Genovese's home was outfitted with electronic monitoring equipment. I have since been informed by Probation Officer Javier Enciso that the equipment is not capable of encompassing Genovese's yard. Officer Enciso further explained that an Order from the Court would be required before the Probation Department would permit Genovese to enter the yard during the period of home confinement. Accordingly, I now respectfully request that the Court endorse the enclosed Proposed Order.

¹ Genovese has two children: Anthony (12 years old) and Angelina (two years old). He sees both children every weekend. (See PSR §§ 95, 97). Anthony has additional, unscheduled visits during the week.

Hon. Kathleen R. Hayden

August 21, 2012

Page 2 of 2

GERALD L. SHARGEL

Respectfully yours,


Gerald L. Shargel

cc: Leslie F. Schwartz
Assistant United States Attorney

Javier Enciso
United States Probation Officer

(by email)

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

-----X
UNITED STATES OF AMERICA

No. 11 Cr. 164 (KSH)

v.

ANSELMO GENOVESE
-----X

ORDER

Upon the motion of defendant Anselmo Genovese,

IT IS HEREBY ORDERED that during his eight month period of home confinement, Anselmo Genovese is permitted to enter the yard of his residence between 7:00 a.m. and 9:00 p.m. whenever either of his children are present.

Date: Newark, New Jersey
August __, 2012

SO ORDERED:

KATHARINE S. HAYDEN, U.S.D.C.J.